

**DEPARTMENT OF THE NAVY
Office of the Secretary
1000 Navy Pentagon
Washington DC 20350-1000**

**Canc frp: Jan 98
SECNAVNOTE 5720
N09C
3 February 1997**

SECNAV NOTICE 5720

**From: Secretary of the Navy
To: All Ships and Stations (less Marine Corps
field addressees not having Navy
personnel attached)**

**Subj: CLEARANCE, SECURITY, AND
POLICY REVIEW OF DOD INFORMA-
TION FOR PUBLIC RELEASE**

**Ref: (a) SECNAVINST 5720.44A, Public
Affairs Policy and Regulations of
3 Jun 87
(b) OPNAVINST 5510.1H Department
of the Navy Information and
Personnel Security Program
of 29 Apr 88**

**Encl: (1) DOD Directive 5230.9, Clearance of
DOD Information for Public Release
of 9 Apr 96
(2) DOD Directive 5230.29, Security and
Policy Review of DOD Information
for Public Release of 6 May 96**

**3. Cancellation Contingency. This notice should
be retained until incorporated into reference (a).**

JOHN H. DALTON

**Distribution:
SNDL Parts 1 and 2**

1. Purpose. To implement enclosures (1) and (2).

**2. Action. All Department of the Navy commands
and activities shall ensure compliance with the
policies established by enclosures (1) and (2).
References (a) and (b) describe information which
is subject to Navy review prior to release.**



Department of Defense DIRECTIVE

SECNAVNOTE 5720
03 FEB 1997

April 9, 1996
NUMBER 5230.9

ASD(PA)

SUBJECT: Clearance of DoD Information for Public Release

References:

- (a) DoD Directive 5230.9, subject as above, April 2, 1982 (hereby canceled)
- (b) DoD Directive 5122.5, "Assistant to the Secretary of Defense for Public Affairs (ATSD(PA))," December 2, 1993
- (c) DoD Directive 5400.4, "Provision of Information to Congress," January 30, 1978
- (d) DoD Directive 5220.22, "DoD Industrial Security Program," December 8, 1980
- (e) through (u), see enclosure 1

A. REISSUANCE AND PURPOSE

This Directive reissues reference (a) to update policy and responsibilities for the security and policy review and clearance of official DoD information proposed for official public release by the Department of Defense and its employees under reference (b).

B. APPLICABILITY AND SCOPE

1. This Directive applies to:

a. The Office of the Secretary of Defense (OSD), the Military Departments, the Chairman of the Joint Chiefs of Staff, the Unified Combatant Commands, the Defense Agencies, and the DoD Field Activities (hereafter referred to collectively as "the DoD Components").

b. All DoD employees.

2. For provisions governing review of:

a. Prepared statements, transcripts of testimony, and other material provided to congressional committees that may be included in the published records, reference (c) applies.

b. Information before publication or disclosure by DoD contractors, DoD Directive 5220.22 and DoD 5220.22-M (references (d) and (e)) apply.

c. Release of official information in litigation, DoD Directive 5405.2 (reference (f)) applies.

Enclosure (1)

C. DEFINITIONS

Terms used in this Directive are defined in enclosure 2.

D. POLICY

It is DoD policy that:

1. Accurate and timely information is made available to the public, the Congress, and the news media to help the analysis and understanding of defense strategy and national security issues.
2. Any official DoD information intended for public release that pertains to military matters, national security issues, or subjects of significant concern to the Department of Defense shall be reviewed for clearance by appropriate security review and public affairs offices prior to release.
3. The public release of official DoD information is limited only as necessary to safeguard information requiring protection in the interest of national security or other legitimate governmental interest, as authorized by references (g) through (t).
4. Information released officially is consistent with established national and DoD policies and programs.
5. The Inspector General of the Department of Defense, as an independent and objective office in the Department of Defense, is exempt from the policy review provisions of this Directive. As necessary, information may be submitted for security review prior to public release.
6. To ensure a climate of academic freedom and to encourage intellectual expression, students (including midshipmen and cadets) and faculty members (DoD civilian or military) of an academy, college, university or DoD school are not required to submit for review papers or materials that are prepared in response to academic requirements and not intended for release outside the academic institution. Information that is intended for public release or made available in libraries to which the public has access shall be submitted for review. Clearance shall be granted if classified information is not disclosed, the DoD interests in nonclassified areas are not jeopardized, and the author accurately portrays official policy, even if the author takes issue with that policy.
7. Retired personnel, former DoD employees, and nonactive duty members of the Reserve components may use the review services to ensure that the information intended for public release does not compromise national security.
8. DoD personnel, while acting in a private capacity and not in connection with their official duties, have the right to prepare information for public release through non-DoD forums or media. Such activity is authorized if:

- a. No laws or regulations are violated.
- b. Ethical standards and compliance with DoD Directive 5500.7 and DoD 5500.7-R (references (q) and (r)) are maintained.
- c. The preparation activities are not done during normal duty hours or with the use of DoD facilities, property, or personnel except as authorized by references (q) and (r).
- d. The author does not use official DoD information generally not available to the public and which would not be released under DoD 5400.7-R (reference (m)).

E. RESPONSIBILITIES

1. The Assistant Secretary of Defense for Public Affairs shall:

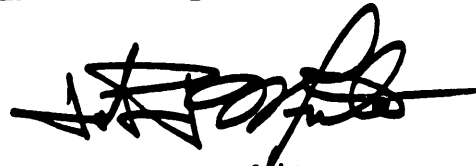
- a. Monitor compliance with this Directive.
- b. Develop procedures and review guidelines for the security and policy review of information intended for public release in coordination with offices of OSD Principal Staff Assistants.

2. The Heads of the DoD Components shall:

- a. Provide prompt guidance and assistance to the Assistant Secretary of Defense for Public Affairs (ASD(PA)), when requested, for the security or policy implications of information proposed for public release.
- b. Establish policies and procedures to implement this Directive in their Components.
- c. Forward official DoD information proposed for public release that is determined to require clearance by the Office of the Assistant Secretary of Defense (Public Affairs) to the ASD(PA) for review, including recommendation on the releasability of the information being forwarded.

F. EFFECTIVE DATE

This Directive is effective immediately.



John P. White
Deputy Secretary of Defense

Enclosures - 2
1. References
2. Definitions

REFERENCES, continued

- (e) DoD 5220.22-M, "National Industrial Security Program Operating Manual," January 1995, authorized by DoD Directive 5220.22, December 8, 1980
- (f) DoD Directive 5405.2, "Release of Official Information in Litigation and Testimony of DoD Personnel as Witnesses," July 23, 1985
- (g) DoD Directive 5200.1, "DoD Information Security Program," June 7, 1982
- (h) DoD 5200.1-R, "Information Security Program Regulation," June 1986, authorized by DoD Directive 5200.1, June 7, 1982
- (i) DoD Directive 5230.24, "Distribution Statements on Technical Documents," March 18, 1987
- (j) DoD Directive 5230.25, "Withholding of Unclassified Technical Data from Public Disclosure," November 6, 1984
- (k) DoD Instruction 5230.27, "Presentation of DoD-Related Scientific and Technical Papers at Meetings," October 6, 1987
- (l) DoD Directive 5400.7, "DoD Freedom of Information Act Program," May 13, 1988
- (m) DoD 5400.7-R, "DoD Freedom of Information Act Program," October 1990, authorized by DoD Directive 5400.7, May 13, 1988
- (n) DoD Directive 5400.11, "Department of Defense Privacy Program," June 9, 1982
- (o) DoD 5400.11-R, "Department of Defense Privacy Program," August 1983, authorized by DoD Directive 5400.11, June 9, 1982
- (p) DoD Directive 5205.2, "DoD Operations Security Program," July 7, 1983
- (q) DoD Directive 5500.7, "Standards of Conduct," August 30, 1993
- (r) DoD 5500.7-R, "Joint Ethics Regulation (JER)," August 1993, authorized by DoD Directive 5500.7, August 30, 1993
- (s) International Traffic in Arms Regulations (ITAR), Department of State, November 1989
- (t) Executive Order 12958, "Classified National Security Information," April 20, 1995
- (u) Title 10, United States Code

DEFINITIONS

1. DoD Employee

a. Any DoD civilian officer or employee (including special Government employees) of any DoD Component (including any non-appropriated fund activity).

b. Any active duty Regular or Reserve military officer, warrant officer, and active duty enlisted member of the Army, Navy, Air Force, or Marine Corps.

c. Any Reserve or National Guard member on active duty under orders issued pursuant to 10 U.S.C. (reference (u)).

d. Any Reserve or National Guard member performing official duties, including while on inactive duty for training or while earning retirement points, pursuant to reference (u), or while engaged in any activity related to the performance of a Federal duty or function.

e. Any faculty member in a civil service position or hired pursuant to reference (u), and any student (including a cadet or midshipman) of an academy, college, university, or school of the Department of Defense.

f. Consistent with labor agreements and international treaties and agreements, and host country laws, any foreign national working for a DoD Component except those hired pursuant to a defense contract.

2. Information. Any communication or representation of knowledge such as facts, data, or opinions in any medium or form.

3. Official DoD Information. All information that is in the custody and control of the Department of Defense, relates to information in the custody and control of the Department, or was acquired by DoD employees as part of their official duties or because of their official status within the Department.



Department of Defense INSTRUCTION

SECNAVNOTE 5720

03 FEB 1997

May 6, 1996
NUMBER 5230.29

ASD(PA)

SUBJECT: Security and Policy Review of DoD Information for Public Release

- References:**
- (a) DoD Directive 5230.9, "Clearance of DoD Information for Public Release," April 9, 1996
 - (b) DoD Directive 5400.4, "Provision of Information to Congress," January 30, 1978
 - (c) DoD Directive 5230.24, "Distribution Statements on Technical Documents," March 18, 1987
 - (d) DoD Directive 5230.25, "Withholding of Unclassified Technical Data from Public Disclosure," November 6, 1984
 - (e) International Traffic in Arms Regulation (ITAR), Department of State, November 1989

A. PURPOSE

This Instruction implements policy, assigns responsibilities, identifies information that must be cleared before public release, and prescribes procedures under reference (a) to carry out security and policy review of DoD information for public release.

B. APPLICABILITY

This Instruction applies to the Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of Staff, the Unified Combatant Commands, the Defense Agencies, and the DoD Field Activities (hereafter referred to collectively as "the DoD Components").

C. DEFINITIONS

Terms used in this Instruction are defined in enclosure 2 of reference (a).

D. POLICY

It is DoD policy under reference (a) that a security and policy review shall be done on all official DoD information intended for public release that pertains to military matters, national security issues, or subjects of significant concern to the Department of Defense.

Enclosure (2)

E. RESPONSIBILITIES

1. The Assistant Secretary of Defense for Public Affairs shall:

a. Monitor compliance with the procedures established in section F., below, for the security and policy review of official DoD information.

b. Provide for the prompt security and policy review of official DoD information proposed for public release that is originated by, in, or for the Department of Defense, to include statements intended for open presentation before the Congress and other material submitted to the Congress in accordance with DoD Directive 5400.4 (reference (b)). The review is made to ensure that properly classified information is not disclosed and no conflict exists with established policies or programs of the Department of Defense or the U.S. Government

c. Coordinate, as necessary, with the staffs of the DoD Components when reviewing official DoD information for public release clearance to ensure accuracy and currency of existing policy and security guidance.

d. Respond to requests for review of information submitted voluntarily by non-DoD sources or DoD personnel acting in a private capacity to ensure that such material does not contain classified information. This review shall also address technology transfer and public releasability of technical data under DoD Directives 5230.24 and 5230.25, and the ITAR (references (c) through (e)).

2. The General Counsel of the Department of Defense shall conduct legal reviews, as needed, to ensure compliance with applicable laws and regulations to protect DoD rights and interests.

3. The Heads of the DoD Components shall:

a. Ensure compliance with this Instruction and issue any

guidance necessary for the internal administration of the requirements prescribed in section F., below.

b. Forward official DoD information specified under subsection F.1., below, which is proposed for public release to the Assistant Secretary of Defense for Public Affairs, ATTN: Director for Freedom of Information and Security Review (DFOISR), for review and clearance, as prescribed in subsection F.2., below, with specific recommendation on the releasability of the information being forwarded.

c. Provide prompt guidance and assistance to the ASD(PA), when requested, on any information proposed for public release.

d. Exercise clearance authority for information not specified under subsection F.1., below. This authority may be delegated to the lowest level competent to evaluate the content and implications of public release of the information.

F. PROCEDURES

1. Clearance Requirements. Official DoD information that is prepared by or for DoD personnel and is proposed for public release shall be submitted to the ASD(PA), ATTN: DFOISR, 1400 Defense Pentagon, Room 2C757, Washington DC 20301-1400, for review and clearance, if the information:

a. Originates or is proposed for release in the Washington D.C. area;

b. Is or has the potential to become an item of national or international interest;

c. Affects national security policy or foreign relations;

d. Concerns a subject of potential controversy among the DoD Components or with other Federal Agencies;

e. Is presented by a DoD employee, who by virtue of rank, position, or expertise would be considered an official DoD spokesperson;

f. Contains technical data, including data developed under contract or independently developed and controlled by the

ITAR (reference (e)) that may be militarily critical and subject to limited distribution, but on which a distribution determination has not been made; or,

g. Bears on any of the following subjects:

(1) New weapons or weapons systems, or significant modifications or improvements to existing weapons or weapons systems, equipment, or techniques.

(2) Military operations, significant exercises, and operations security.

(3) National Command Authorities; command, control, communications, computers, and intelligence; information warfare and computer security.

(4) Military activities or application in space; nuclear weapons, including nuclear weapons effects research; chemical warfare and defensive biological warfare; and arms control treaty implementation.

(5) Any other contemporary topic that is designated by the ASD(PA).

2. Submission for Review. The following procedures apply to all information required to be submitted to DFOISR for clearance:

a. A minimum of five copies of material, in its final form, shall be submitted, together with DD Form 1910, "Clearance Request for Public Release of Department of Defense Information," to DFOISR.

b. Any material submitted for review shall be initialed by the speaker, author, or other authorized individual acting for the principal to indicate approval of the text.

c. All information submitted for review to DFOISR must first be coordinated within the originating DoD Component to

ensure that it reflects the organization's policy position and does not contain classified information requiring withholding.

d. Only the full and final text of material proposed for release shall be submitted for review. Notes, outlines, briefing charts, etc., may not be submitted as a substitute for a complete text.

e. Abstracts to be published in advance of a complete paper, manuscript, etc., require clearance. Clearance of an abstract does not fulfil the requirement to submit the full text for clearance before its publication. If an abstract is cleared in advance, that fact, and the DFOISR case number assigned to the abstract, shall be noted on the DD Form 1910 or other transmittal when the full text is submitted.

f. The requirements of DoD Directive 5400.4 (reference (b)) shall apply to the processing of information proposed for submission to Congress.

g. Information intended for placement on electronic bulletin boards accessible through the INTERNET, or other publicly accessible computer servers, requires review and clearance for public release if it meets the requirements of subsection F.1., above.

3. Time Limits

a. Submit speeches and briefings a minimum of 3 working days before the event. Additional time may be needed for complex or potentially controversial speeches.

b. Papers, articles, and other material shall be submitted a minimum of 5 working days before the date needed. The length, complexity, and content shall determine the number of reviewing Agencies and, consequently, the time required for the complete review process.

c. Technical papers shall require a minimum of 10 work-

ing days. The majority of papers are processed in that time-frame. Occasionally, more time is needed if the material is complex or requires review by several agencies.

4. Effect of Review Actions and Appeals

a. Information reviewed for public release clearance shall result in one of the following actions:

(1) Cleared for Open Publication. The information may be released without restriction by the originating Component or its authorized official. DFOISR may require a disclaimer to

accompany the information, as follows:

"The views expressed are those of the author and do not reflect the official policy or position of the Department of Defense or the U.S. Government."

(2) Cleared "as amended" for open publication
Amendments, made in red, are binding on the submitter. Red brackets identify information that must be deleted. When possible, alternative wording is provided to substitute for the deleted material. Occasionally, wording will be included that shall be added to the text before public release. A disclaimer, as in subparagraph F.4.a.(1), above, may also be required.


(3) Not Cleared. The information submitted for review may not be released.

b. Although DFOISR has no responsibility for correcting errors of fact or making editorial changes, obvious errors may be identified in the text and noted as "recommended." Those corrections are not binding on the author or submitter.

c. All amendments or "not cleared" determinations may be appealed through DFOISR to the ASD(PA). All appeals shall be resolved at the lowest practical level and as quickly as possible.

G. EFFECTIVE DATE

This Instruction is effective immediately.


Clifford H. Bernath
Principal Deputy Assistant
Secretary of Defense
for Public Affairs

